

Remarks

Claims 21-25, 34-37, 40-41, and 43-51 were the subject of the office action dated April 25, 2008.

Claim 50 is canceled as being superfluous. (The applicants note that, unlike claim 50, claim 36 does not specifically refer to conservative amino acid changes.)

Thus, claims 21-25, 34-37, 40-41, 43-49, and 51 are now presented for further consideration.

The applicants again wish to thank Examiner Kosson for including SEQ ID NOS:22, 56, 25, and 57 within the scope of examination. It is now the applicants' understanding that *variants* of these sequences are considered to be non-elected. The claims are amended accordingly to remove reference to what is considered by the examiner to be non-elected subject matter.

The applicants acknowledge that SEQ ID NOS:34, 45, and 47 were elected for initial examination purposes. Claims 21, 34, and 36, and 51 are the independent claims. It was acknowledged by the examiner, on pages 6-7 of the office action dated December 14, 2007, that techniques in the art would allow for mutants having at least 99% identity, and the relevant enablement rejection was withdrawn. Accordingly, claims 21, 34, and 36 now refer to 99% variants of SEQ ID NOS:34, 45, and/or 47.

The following claims depend directly or indirectly from claim 21: 22-25 and 43-45.

The following claims depend directly or indirectly from claim 34: 35, 40, and 46.

The following claims depend directly or indirectly from claim 36: 37, 41, and 47-49.

The applicants believe that the rejection for lack of enablement is moot. Thus, the withdrawal of the remaining enablement rejection is respectfully requested.

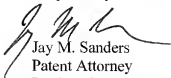
Provisional (obviousness-type) double patenting

Any action on this issue in the subject application will be deferred until there is an indication that this application is otherwise allowable. The applicants submit that, as reflected by MPEP §§ 804.I.B. and 1490.V.D., for example, it is quite common for a *provisional* double-patenting rejection to be deferred and addressed later (via a terminal disclaimer) until no other rejections remain.

The Assistant Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 and 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J M Sanders", with a long horizontal flourish extending to the right.

Jay M. Sanders
Patent Attorney
Registration No. 39,355
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

JMS/mrc